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## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

### **LAND USE MANAGEMENT**

#### **Ground Water Quality Standards**

#### **Notice of Administrative Correction**

**Take notice** that the Department of Environmental Protection is making an administrative correction to the twenty-eight rules listed below. As a result of the Readoption and Recodification with Amendments to the Ground Water Quality Standards (GWQS) rules published in the New Jersey Register on November 7, 2005, all rules that refer to the Ground Water Quality Standards (GWQS) as N.J.A.C. 7:9-6 must be updated to reflect the recodification of these rules at N.J.A.C. 7:9C.

Full text of the updated rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### **7:7E-3.44 Pinelands National Reserve and Pinelands Protection Area**

(a) The Pinelands National Reserve includes those lands and water areas defined in the National Parks and Recreation Act of 1978, Section 502 (P.L. 95-625), an approximately 1,000,000 acre area ranging from Monmouth County in the north, south to Cape May County and from Gloucester and Camden County on the west to the barrier islands of Island Beach State Park and Brigantine Island along the Atlantic Ocean on the east (see Appendix, Figure 10, incorporated herein by reference). The “Pinelands Area” is a slightly smaller area within the Pinelands National Reserve. It was designated for State regulation by the Pinelands Protection Act of 1979 (N.J.S.A. 13:18-1 et seq.). The Pinelands Commission adopted a Comprehensive Management Plan in November, 1980. Within the Pinelands Area, the law delineates a Preservation Area, where the plan shall “preserve an extensive and contiguous area of land in its natural state, thereby insuring the continuation of a Pinelands environment . . . .” (Section 8c).

1. Under the authority of the Department's Surface Water Quality Standards (N.J.A.C. 7:9B),

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all surface waters within the boundaries of the Pinelands Area, except those waters designated as FWI, are designated "Pinelands Waters" which have special antidegradation policies, designated uses and water quality criteria (see N.J.A.C. 7:9B1-4, 1.5(d)6ii, 1.12(b), and 1.14(b)). The Department's present Groundwater Quality Standards (N.J.A.C. [7:9-6] **7:9C**), which were adopted on March 3, 1981, and revised on February 1, 1993, identify the "Central Pine Barrens Area" as the only part of the Pinelands distinguished from the rest of the State (N.J.A.C. 7:9-6.7(c)).

#### 7:7E-8.4 Water Quality

(a) As required by Section 307(f) of the Federal Coastal Zone Management Act (P.L. 92-583), Federal, State and local water quality requirements established under the Clean Water Act (33 U.S.C. § 1251) shall be the water resource standards of the coastal management program. These requirements include not only the minimum requirements imposed under the Clean Water Act but also the additional requirements adopted by states, localities, and interstate agencies pursuant to Section 510 of the Clean Water Act and such statutes as the New Jersey Water Pollution Control Act. In the Delaware River Basin, the requirements include the prevailing "Basin Regulations-Water Quality" adopted by the Delaware River Basin Commission as part of its Comprehensive Plan. In the waters under the jurisdiction of the Interstate Environmental Commission in the New Jersey-New York metropolitan area, the requirements include the Interstate Environmental Commission's Water Quality Regulations. Department rules related to water pollution control and applicable throughout the entire coastal zone include, for example, the Surface Water Quality Standards (N.J.A.C. 7:9-4), the rules concerning Wastewater Discharge Requirements (N.J.A.C. 7:9-5), the Ground-Water Quality Standards (N.J.A.C. [7:9-6] **7:9C**), and the Regulations Concerning the New Jersey Pollutant Discharge Elimination System (N.J.A.C. 7:14A).

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#### 7:14A-1.2 Definitions

As used in this chapter, the following words and terms shall have the following meanings:

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"Existing uses" means the following:

1. As related to the Ground Water Quality Standards, means those uses of ground water actually attained, whether or not they are included in the Ground Water Quality Standards, N.J.A.C. [7:9-6] 7:9C; and

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"Ground Water Quality Standards" means the New Jersey rules at N.J.A.C. [7:9-6] 7:9C which set forth a designated use or uses for the ground waters of the State, use classifications, water quality criteria for the State's waters based upon such uses, and the Department's policies concerning these uses, classifications and criteria.

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#### 7:14A-7.1 Purpose

This subchapter establishes NJPDES permit requirements for persons who discharge pollutants to ground waters of the State. The purpose of the NJPDES discharge to ground water permit is to restore, enhance, and maintain the ground water quality of the State, in accordance with N.J.S.A. 58:10A-1 et seq. and the Ground Water Quality Standards (GWQS) in N.J.A.C. [7:9-6] 7:9C.

#### 7:14A-7.5 Authorization of discharges to ground water by permit-by-rule

(c) The Department shall invalidate any permit-by-rule under this section and require any person responsible for the discharge for which the permit-by-rule had been approved to apply for and

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obtain an individual discharge to ground water permit if:

1. The discharge is likely to contravene the ground water quality standards at N.J.A.C. [7:9-6] 7:9C;

7:14A-7.6 Ground Water Protection Program (GWPP)

(a) Each discharge to ground water permit, except those identified in N.J.A.C. 7:14A-7.3(c), (d) and (e), and those permitted by rule pursuant to N.J.A.C. 7:14A-7.5, shall include an approved Ground Water Protection Program to ensure that the discharge does not contravene the ground water quality standards at N.J.A.C. [7:9-6] 7:9C and meets the monitoring requirements of this section and N.J.A.C. 7:14A-7.7.

(c) In addition to the requirements of (b) above, a Ground Water Protection Program shall contain additional treatment works, materials management, best management plans, discharge sampling, flow limitations, effluent limitations, monitoring wells, lysimeters, piezometers, alarms, hydraulic control devices and inspections as required to prevent contravention of the ground water quality standards in N.J.A.C. [7:9-6] 7:9C.

2. An attenuation monitoring program if any pollution source is known or expected to discharge pollutants. The attenuation monitoring program shall include:

i. The components described at (b) above; and

ii. A statistical analysis of the monitoring well data collected in accordance with N.J.A.C. 7:14A-7.7, in order to determine whether or not there is statistically significant evidence of a contravention of the ground water quality standards in N.J.A.C. [7:9-6] 7:9C.

(f) If approved by the Department in writing, a permittee may implement an alternate Ground Water Protection Program that ensures compliance with the ground water quality standards of N.J.A.C. [7:9-6] 7:9C and that meets the monitoring requirements of this section and N.J.A.C. 7:14A-7.7.

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#### 7:14A-7.7 Ground water sampling procedures and statistical analysis requirements

(c) Any statistical method chosen under this section shall comply with the following performance standards, as appropriate:

5. The statistical method shall account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantitation level (PQL) as defined in N.J.A.C. [7:9-6] **7:9C** that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

#### 7:14A-7.15 Additional requirements for applications for NJPDES-DGW permits for disposal of dredge spoils

(b) The applicant shall provide a proposed dredge spoils disposal plan containing the following components:

1. through 2. (No change.)

3. A Ground Water Protection Program demonstrating that the disposal of dredge spoils will not contravene the Ground Water Quality Standards of N.J.A.C. [7:9-6] **7:9C**. The Ground Water Protection Program shall identify and discuss the monitoring system to be employed pursuant to N.J.A.C. 7:14A-7.6(b) in consideration of the following:

4. (No change.)

#### 7:14A-8.4 Prohibition of movement of fluid into underground sources of drinking water

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(a) No UIC permit or approval under a permit-by-rule shall be issued or provided under this subchapter in the following circumstances:

1. through 2. (No change.)

3. Where a Class V well is:

i. (No change.)

ii. Except as provided at (a)3ii(1) below, a motor vehicle waste disposal well. A motor vehicle waste disposal well is an injection well that receives or has received fluids from motor vehicle repair or maintenance activities, such as an auto body repair shop, automotive repair shop, car dealership, specialty repair shop (for example, transmission and/or muffler srepair shop), or any facility that does any motor vehicle repair work.

(1) (No change.)

(2) Motor vehicle waste disposal wells that continue to operate in accordance with a permit shall meet Ground Water Quality Standards, N.J.A.C. [7:9-6] 7:9C, at the last accessible sampling point prior to waste fluids being released into the subsurface environment. The owner or operator shall notify the Department of intent to close at least 30 days prior to closure.

(b) (No change.)

(c) For Class V wells, if at any time the Department learns that a Class V well may cause a violation of the State primary drinking water rules under N.J.A.C. 7:10, or any Groundwater Quality Standards under N.J.A.C. [7:9-6] 7:9C, the Department shall:

(d) through (e) (No change.)

#### 7:14A-8.5 Authorization of injection into Class V wells by permit-by-rule

(a) through (c) (No change.)

(d) The Department will notify pursuant to (e) below any owner or operator of any Class V

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injection well authorized by rule pursuant to this section to apply for and obtain a UIC permit pursuant to N.J.A.C. 7:14A-8.8, if:

1. through 3. (No change.)

4. The discharge is presumed to contravene the Ground Water Quality Standards in N.J.A.C. [7:9-6] **7:9C**.

(e) through (i). (No change.)

7:14A-8.16 Specific operating criteria and construction standards applicable to Class V injection wells

(a) – (c) (No change.)

(d) Plugging and abandonment requirements for Class V wells are as follows:

1. (No change.)

2. Large-capacity cesspools as identified in N.J.A.C. 7:14A-8.4(a)3i and motor vehicle waste disposal wells as identified in N.J.A.C. 7:14A-8.4(a)3ii shall be closed in a manner that does not cause a violation of the State primary drinking water regulations under N.J.A.C. 7:10, or any Ground Water Quality Standards under N.J.A.C. [7:9-6] **7:9C**. At a minimum:

(e) through (g) (No change.)

7:14A-9.8 Assessment monitoring program

(a) – (c) (No change.)

(d) (No change.)

1.- 3. (No change.)

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4. Establish ground water protection standards for all constituents detected pursuant to (b) or (d) above. The ground water protection standards shall be established in accordance with (h) below, or when available, shall be the Ground Water Quality Standards set forth in N.J.A.C. [7:9-6] 7:9C.

(e) through (g) (No change.)

(h) Ground water protection standards for each 40 C.F.R. 258 Appendix II parameter shall be determined according to the criteria in N.J.A.C. [7:9-6] 7:9C or in accordance with 40 C.F.R. 258.55(h) through (i), whichever is more stringent.

#### 7:14A-10.6 Ground water protection standard

The owner or operator shall comply with conditions specified in the NJPDES-DGW permit that are designed to ensure that hazardous constituents under N.J.A.C. 7:14A-10.7 detected in the ground water from a hazardous waste facility unit do not exceed the concentration limits under N.J.A.C. [7:9-6] 7:9C or 7:14A-10.8 in the uppermost aquifer underlying the hazardous waste facility area beyond the relevant point of compliance under N.J.A.C. 7:14A-10.9 during the compliance period under N.J.A.C. 7:14A-10.10. The Department shall establish this ground water protection standard in the NJPDES-DGW permit when hazardous constituents have been detected in the ground water.

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#### 7:14A-10.8 Concentration limits

(a) (No change.)

1. (No change.)

2. For any of the constituents listed in (a)2i below, shall not exceed the ground water quality



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i. through 3. (No change.)

(b) through (c) (No change.)

#### 7:14A-10.12 Leak detection monitoring program

(a) through (f) (No change.)

(g) If the owner or operator determines pursuant to (f) above that there is statistically significant evidence of contamination for chemical parameters or hazardous constituents specified pursuant to (a) above at any monitoring well at the relevant point of compliance, the owner or operator shall:

1. through 4. (No change.)

5. Within 180 days after statistically significant evidence for contamination is identified, submit to the Department:

i. and ii. (No change.)

(1) All hazardous constituents identified under (g)2 above are listed in N.J.A.C. 7:14A-10.8(a)2i and their concentrations do not exceed the ground water quality criteria of N.J.A.C. [7:9-6] 7:9C, or the 40 C.F.R. 264.94 Table 1 concentration, whichever is more stringent; or

6. (No change.)

(h) (No change.)

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#### 7:14A-10.14 Corrective action program

(a) The owner or operator required to establish a compliance monitoring program under this subchapter shall take corrective action to ensure that hazardous waste facility units are in compliance with the ground water protection standards of N.J.A.C. [7:9-6] 7:9C. The Department shall specify the ground water protection standard in the NJPDES-DGW permit, including:

1. through 4. (No change.)

(b) through (h) (No change.)

#### 7:14A-20.8 Surface disposal of sewage sludge

(a) through (b) (No change.)

(c) The operating entity for a closed surface disposal site shall comply with the following management practices:

1. through 7. (No change.)

8. The operating entity must implement a ground water monitoring program in compliance with N.J.A.C. [7:9-6] 7:9C; and

9. (No change.)

(d) (No change.)

#### 7:14A-24.2 Stormwater discharges for which a NJPDES permit is required under this subchapter; exemptions

(a) A NJPDES permit under this subchapter is required for the following stormwater DSW and DGW:

1. through 8. (No change.)

9. Stormwater DGW otherwise exempt under N.J.A.C. 7:14A-7.4(a)5i or ii, if the Department determines that the discharge is likely to contravene the Groundwater Quality Standards at N.J.A.C. [7:9-6] 7:9C, or may result in violation of the Surface Water Quality Standards at N.J.A.C. 7:9B (see N.J.A.C. 7:14A-4.7, 25.2(a)4 and 25.5).

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(b) through (g) (No change.)

#### 7:15-5.18 Future wastewater jurisdictions, service areas, and domestic treatment works

(a) through (c) (No change.)

(d) For each DTW mapped within the wastewater management plan area under (c)1 above, each wastewater management plan shall further identify the future DTW that are necessary to meet wastewater management needs by providing, in narrative, outline, or tabular form, the following information applicable to such DTW at the end of the 20-year period, and at the end of any shorter or longer period identified under (a) above:

1. through 5. (No change.)

6. Name and present classification, under N.J.A.C. 7:9-4 and N.J.A.C. [7:9-6] 7:9C, of any surface and ground waters that would receive any discharges from the DTW;

7. and 8. (No change.)

(e) through (i) (No change.)

#### 7:26-2A.4 General prohibitions and requirements

(a) through (c) (No change.)

(d) No sanitary landfill shall be operated in a manner that would result in the impairment of the quality of the surface or groundwaters to a degree that would degrade the quality of either the surface or ground waters beyond the classification established by the Department in the Surface Water Quality Standards, N.J.A.C. 7:9-4, or the Ground Water Quality Standards, N.J.A.C. [7:9-6] 7:9C.

(e) through (q) (No change.)

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#### 7:26-2A.6 Sanitary landfill environmental performance standards

(a) through (b) (No change.)

(c) The following are the performance standards for sanitary landfills:

1. The sanitary landfill shall not cause or result in any decrease in the quality of the ground or surface water over background at the relevant point of compliance of the sanitary landfill, within the uppermost aquifer or surface water adjacent to the sanitary landfill, beyond that allowed by N.J.A.C. 7:9B, Ground Water Quality Standards or N.J.A.C. [7:9-6] **7:9C**, Surface Water Quality Standards, as applicable. The relevant point of compliance means the property boundary of the sanitary landfill, or 150 meters from the toe of slope of the landfilled area, whichever is less.

#### 7:26C-2.6 No further action letters

(a) through (b) (No change.)

(c) The Department shall issue a no further action letter upon the completion of all remediation required by the Technical Requirements for Site Remediation, N.J.A.C. 7:26E, including, without limitation, when, as applicable:

1. (No change.)

2. All contaminated groundwater has been remediated:

i. To the applicable ground water quality standard; or

ii. The Department has:

(1) Determined, based upon eight quarters of ground water monitoring data, that allowing the contaminated ground water to remain in the environment without active remediation will not result in any unacceptable impacts to any human or ecological receptors until such time when the ground water meets the applicable remediation standard pursuant to the Ground Water Quality

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(2) Estimated the time period during which the concentration of contaminants in the ground water will not meet the applicable remediation standard pursuant to the Ground Water Quality Standards, at N.J.A.C. [7:9-6] 7:9C; and

(3) (No Change.)

(d) through (g) (No change.)

#### 7:26E-1.8 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless context clearly indicates otherwise:

"Acid extractable organic compounds" through "Active ground water remediation" (No change.)

"Aquifer" means "aquifer" as defined in the Ground Water Quality Standards, N.J.A.C. [7:9-6.4] 7:9C-1.4.

"Area of concern" through "WPCA" (No change.)

#### 7:26E-1.13 Minimum groundwater and surface water remediation standards

(a) (No change.)

(b) The minimum groundwater remediation standards are:

1. The following numeric groundwater remediation standards:

i. The Ground Water Quality Standards, N.J.A.C. [7:9-6] 7:9C, Appendix, Tables 1 and 2;

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ii. The standards resulting from application of the procedures in N.J.A.C. [7:9-6.7(c)2] **7:9C-1.7(c)2** through 6, for the derivation of a new criterion where a specific contaminant is not listed in N.J.A.C. [7:9-6] **7:9C**, Appendix, Table 1; and

iii. The standards resulting from application of the procedures in N.J.A.C. [7:9-6.7(c)3] **7:9C-1.7(c)3** for the derivation of a new criterion when the Department determines that current scientific information indicates that a specifically listed numeric criterion is no longer appropriate. The Department will post criteria developed pursuant to (b)1ii and iii above on the Department's website at [http://www.state.nj.us/dep/wmm/bFbm/is\\_text.html](http://www.state.nj.us/dep/wmm/bFbm/is_text.html);

2. The following narrative groundwater remediation standards:

i. The general groundwater quality policies in N.J.A.C. [7:9-6.2] **7:9C-1.2**;

ii. The narrative groundwater quality criteria in N.J.A.C. [7:9-6.7] **7:9C-1.7**;

iii. The groundwater quality antidegradation policy in N.J.A.C. [7:9-6.8] **7:9C-1.8**;

iv. through vii. (No change.)

(c) through (f) (No change.)

#### 7:26E-8.3 Groundwater classification exception areas

(a) A groundwater classification exception area serves as an institutional control by providing notice that there is groundwater pollution in a localized area caused by a discharge at a contaminated site. The area and depth of groundwater pollution will be determined based on actual groundwater contamination, as well as fate and transport modeling. The Department will establish a groundwater classification exception area as part of a remedial action for groundwater at a contaminated site when the groundwater does not meet the groundwater quality standards, pursuant to N.J.A.C. [7:9-6] **7:9C**.

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(b) through (e) (No change.)

7:26E App. F

## GROUNDWATER CLASSIFICATION EXCEPTION

### AREA FACT SHEET

#### A. SITE INFORMATION

1. Program's Site Identification Number: \_\_\_\_\_

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[FN1] Maximum concentration detected at the time Classification Exception Area information submitted to the Department.

[FN2] New Jersey Ground Water Quality Standards, N.J.A.C. [7:9-6] **7:9C**

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7:26F App. A

## REMEDIAL PRIORITY SYSTEM MANUAL

### INTRODUCTION

The Department of Environmental Protection uses this Remedial Priority System Manual to index the relative risks that sites pose to public health and safety, and the environment. The Department's use of this Manual allows it to express those risks as numerical scores and use those scores to rank contaminated sites in the order of their relative risks.

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## DEFINITIONS

The following terms used in the Manual shall have the following meanings unless the context clearly indicates otherwise.

"Aquifer" means any aquifer defined as such pursuant to the Ground Water Quality Standards, N.J.A.C. [7:9-6] 7:9C.

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"Ground water quality criteria" means the health-based criteria in the New Jersey Ground Water Quality Standards, N.J.A.C. [7:9-6] 7:9C.

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## SECTION 2: GROUND WATER CONTAMINATION

Complete the Ground Water Contamination Section when either: (1) ground water contamination which exceeds the Ground Water Quality Standards N.J.A.C. [7:9-6] 7:9C has been documented, or (2) when the Department determines that the potential exists for documented contamination to migrate to ground water.

The Ground Water Contamination Section contains two subsections. Apply Subsection A: Documented Ground Water Quality Standards when analytical data are available which document contaminant concentrations in the ground water in excess of the Ground Water Quality Standards, N.J.A.C. [7:9-6] 7:9C, or when free product has been observed in or on the ground water. Only apply Subsection B: Potential Ground Water Contamination when ground water contamination is likely, but not documented, based on the presence of contaminant sources which can cause ground water contamination.

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## SUBSECTION A: DOCUMENTED GROUND WATER CONTAMINATION

### I. CONTAMINANT CHARACTERISTICS

#### A. CONTAMINANTS OF CONCERN FOR GROUND WATER

##### 1. CONTAMINANTS OF CONCERN SELECTION

Identify all ground water contaminants which exceed the Ground Water Quality Standards, N.J.A.C. [7:9-6] **7:9C**. Apply the standards for the ground water classification appropriate for the location of the site. For the purposes of scoring sites in Class I (antidegradation) areas, the lowest of either the contaminant Practical Quantification Level, or the Minimum Detection Level, will be used as the "criteria." Refer to the discussion on Requirements for Contaminant of Concern Selection in Table 2, Appendix C for analytical considerations in the selection of contaminants of concern. For contaminants which do not have a regulatory standard, the Department will develop a standard pursuant to the Ground Water Quality Standards, N.J.A.C. [7:9-6.7] **7:9C-1.7**, on a case-by-case basis. Separate the contaminants into the seven following categories:

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7:28-12.8 Radiation dose standards applicable to remediation of radioactive contamination of all real property

(a) Sites shall be remediated so that the incremental radiation dose to any person from any residual radioactive contamination at the site above that due to natural background radionuclide concentration, under either an unrestricted use remedial action, limited restricted use remedial action, or a restricted use remedial action, shall be as specified below:

1. through 2. (No change.)

3. Radioactively contaminated ground water shall be remediated to comply with the New Jersey

THIS IS A COURTESY COPY OF THIS NOTICE OF ADMINISTRATIVE CHANGE.. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE NOVEMBER 7, 2005 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN. Groundwater Quality Standards rules, N.J.A.C. [7:9-6] **7:9C**.

7:28-12.10 Petition for alternative remediation standards for radioactive contamination

(a) In lieu of using the minimum remediation standards for radioactive contamination of soil found at N.J.A.C. 7:28-12.9, a person may petition the Department for an alternative soil standard for radioactive contamination. Such an alternate soil cleanup standard:

1. through 2. (No change.)
2. Shall not result in radionuclide in groundwater levels exceeding those in the New Jersey Groundwater Quality Standards in N.J.A.C. [7:9-6] **7:9C**.

(b) through (h) (No change.)